

Exhibit H

WASHINGTON:

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

NWDC RESISTANCE AND COALITION OF ANTI-RACIST
WHITES,

PLAINTIFFS,

VS

CASE NO. 3:18-CV-05860-JLR

IMMIGRATION AND CUSTOMS ENFORCEMENT, TAE D.
JOHNSON, IN HIS OFFICIAL CAPACITY AS ACTING
DIRECTOR OF IMMIGRATION AND CUSTOMS ENFORCEMENT;
AND ALEJANDRO MAYORKAS, IN HIS OFFICIAL CAPACITY
AS SECRETARY OF HOMELAND SECURITY,

DEFENDANTS.

DEPOSITION BY ZOOM,
AND HOSTED BY COUNTY COURT REPORTERS, OF
MARU MORA-VILLALPANDO

MONDAY, AUGUST 28, 2023
10:07 A.M.

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1 settlement, except that she won temporary
2 protection from deportation.

3 **Q. For my next question, so you may have**
4 **answered it, but do you know her current**
5 **immigration status?**

6 A. Just that she won the temporary
7 protection from deportation.

8 **Q. Do you know whether she obtained any**
9 **other relief in her litigation?**

10 **MR. SWIFT:** Asked and answered.

11 A. No we don't.

12 **Q. Okay. Let's move to Delmer Joel**
13 **Ramirez Palma. Does La Resistencia allege that**
14 **ICE selectively enforced civil immigration law**
15 **based on speech for Delmer Joel Ramirez Palma?**

16 A. Yes.

17 **Q. And what is the specific speech that**
18 **Mr. Palma engaged in that La Resistencia alleges**
19 **was the basis for selective enforcement?**

20 A. Delmer was a work, a construction
21 worker and he was complaining about the, the
22 problems that he saw in the construction he was
23 working on. He actually sued the, the companies
24 that were part of this project because they, the
25 building collapsed while he was working there,

1 along with many others. And so right after that
2 happened and he end up being detained by Border,
3 the Border Patrol while he was fishing, but that
4 he did have a license to fish.

5 And so because he had complained
6 publically about the, the developers, the
7 construction company saying that he, he was
8 trying to file a lawsuit and then immediately he
9 gets arrested by Border Patrol and place in
10 deportation proceedings. And again the timing,
11 this is still under the Trump administration
12 there was already a very clear trend that ICE was
13 doing anything they could to silence people that
14 spoke up publically in this case to the media.
15 He, that he, he got detained because he was
16 filing a lawsuit. He, he was filing the lawsuit
17 that he was being public about it.

18 **Q. So you mentioned a lawsuit and also**
19 **speaking to the press about a construction site,**
20 **is that correct?**

21 **A. Yes and, and construction site**
22 **collapsed.**

23 **Q. The construction site collapsed, yes.**
24 **Do you know the news article that came out, if**
25 **any, or where he spoke to the press, was it the**

1 **news, like the local video news, or like a**
2 **newspaper?**

3 **A.** The, the. We have, we relied on an
4 article from CNN from November 29, 2019 that
5 describes that they, the incident. That's,
6 that's information that we have.

7 **Q.** Okay, and the construction site, was
8 that operated by ICE, or DHS, or the Federal
9 Government in any way?

10 **A.** As far as we understood in the article
11 it was a private construction site, from, by
12 private corporations.

13 **Q.** And in the newspaper article, or the
14 media coverage, newspaper article, so local news,
15 you don't know, right?

16 **(WHEREUPON, no audible respopnse.)**

17 **Q.** Do you know whether or not Mr. Palma
18 said anything about ICE or DHS?

19 **A.** We don't have that information. What
20 we know is that he did complain about the
21 corporations and he did complain about how the
22 construction was being done. But we don't have
23 more details than that.

24 **Q.** Is there any connection to ICE or DHS
25 or the Federal Government in that complaining?

1 A. I don't have, we don't have those
2 details.

3 Q. Okay. And do you know the lawsuit, did
4 that name ICE, DHS, or any Federal entity?

5 A. We don't have those details.

6 Q. And the specific retaliatory action or
7 selective enforcement that you are alleging is
8 that he was arrested by Border Patrol officers,
9 is that correct?

10 A. Yes.

11 Q. And what is your basis to believe that
12 the arrest by Border Patrol officers was because
13 of statements or a lawsuit regarding a private
14 construction company?

15 A. Well we understood based on the news we
16 had was that he was being told that he was being
17 arrested because he didn't have a fishing
18 license, which he did, and that if I remember
19 correctly they, when he was arrested he was talk,
20 he was told that this was, this happened to him
21 because he filed a lawsuit.

22 Q. And the CNN article said that?

23 A. I believe it does.

24 Q. Any other source for your information
25 about this?

1 to us this is just part of the ICE activities to
2 silence people that speak up.

3 Q. Do you know if Mr. Palma spoke about
4 his immigration status in the article or in the
5 lawsuit?

6 A. We don't have that information.

7 Q. Okay, let's move to Jose Guadalupe
8 Montelongo Morales. Does La Resistencia allege
9 that ICE selectively enforced civil immigration
10 law based on speech for Jose Guadalupe Montelongo
11 Morales?

12 A. Yes.

13 Q. And what is the specific speech that
14 you allege Mr. Morales engaged in that La
15 Resistencia resulted in selective enforcement?

16 A. Jose was detained under an ICE detainer
17 in county jail, and he was supposed to be
18 released because they, they calculated the, the
19 detainer. But then as soon as he is release, the
20 ICE started looking for him, and they harass his
21 family. They actually detain his father.

22 And they, they, they told Jose's father
23 that they, the, the more attention the case would
24 get then the worse it would be for the entire
25 family. They did end up finding him and he was

1 detained by, by ICE. They, they didn't have a
2 warrant for that.

3 And when he was detained he, the ICE
4 officers told him that he had brought this upon
5 himself. Oh because he had file a lawsuit for
6 the fact that he had been detained and he was
7 given \$20,000.00 bond, which was extremely high
8 for that area of region for bonds. Yeah and so
9 basically his family was harassed until they were
10 able to find, when ICE detain him.

11 **Q. So the speech that you're alleging that**
12 **Mr. Morales engaged in that subjected him to**
13 **selective enforcement was filing a lawsuit?**

14 A. Yes.

15 **Q. Anything else?**

16 A. No.

17 **Q. And who was the lawsuit filed against?**

18 A. I don't have the details. We...

19 **Q. Go ahead.**

20 A. We did read about this instance on the
21 THEPILL, THE PILL.ORG from May 18, 2019. I mean
22 June 18, 2019.

23 **Q. I'm sorry, I'm having you cut out a**
24 **bit, can you repeat your answer?**

25 A. It was from June 18, 2019.

1 Q. What was?

2 A. The article that I just mentioned.

3 Q. And the article referencing Mr.

4 Morales?

5 A. Yes. His case.

6 Q. So the speech you're alleging was the
7 reason for the targeting was filing a civil
8 rights lawsuit, and you don't know if that was
9 against ICE?

10 A. I, yeah, we don't, we don't have that,
11 just as far as we understood it was that, if he
12 was the, for the, for the fact that the detainer
13 had happened, it would have been to ICE. But we,
14 we don't know the details. At least right now I
15 don't have those details.

16 Q. Okay. So the civil rights lawsuit, do
17 you know if it was a Federal entity, or could it
18 have been a State or local entity?

19 A. I, right now I don't remember I guess.

20 Q. And do you know who gave him the bond?

21 A. No. We assume it was ICE.

22 Q. And why do you assume that?

23 A. Because that's usually what we have
24 seen in these kind of cases, or you know, that's,
25 that's something that could be, I'm just assuming

1 here, I don't have the exact informatino.

2 Q. Has an Immigration Judge ever make a
3 bond decision?

4 A. They do too, yes.

5 Q. Okay, and with respect to Mr. Morales,
6 do you know whether it was an Immigration Judge
7 or?

8 A. No, we don't know.

9 Q. Okay. And the specific retaliation
10 that you were alleging that ICE engaged in is
11 what specifically?

12 A. That they have harass and detain
13 members of his family, and they did detain him as
14 well.

15 Q. And you mentioned some news articles,
16 are your allegations based on anything other than
17 the news articles?

18 A. No.

19 Q. Do you know the current immigration
20 status of Mr. Morales?

21 A. We don't.

22 Q. And what, if any, alternative
23 explanation did you consider?

24 A. Timing was very suspicious. Knowing
25 that also somebody file a lawsuit and then

1 given a bond told us that they didn't have to
2 release, to the re, re-detain him, re-arrest him,
3 but it was retaliatory in the fact that the bond
4 was extremely high. So when people like given
5 bonds it's because they are given the opportunity
6 to not be detained.

7 And in his case he was given bonds
8 twice, one is, were, was a regular bond amount,
9 \$10,000.00 but the second one is \$50,000.00 so
10 there were mutual decisions of ICE here and the
11 timing of Jose Omar speaking publically against
12 ICE enforcement made us to believe that this is
13 another example of the trend that we have been
14 discussing throughout today.

15 Q. Any other alternative explanations?

16 A. No.

17 Q. Okay, Claudia Rueda. Does La
18 Resistencia allege that ICE selectively enforced
19 civil immigration law based on speech for Claudia
20 Rueda?

21 A. Yes.

22 Q. And what is the specific speech that
23 you allege was the basis of the selective
24 enforcement?

25 A. So Claudia had been working on leading

1 protests to support the case of her own mother,
2 because its her mother had been detained, and so
3 she was very outspoken about getting her mom
4 released from detention. And when her mother got
5 release just a couple of or so many days later,
6 and mom is at home and Claudia is too, Claudia
7 goes out to do something and then she gets
8 arrested. And she, she, she didn't come back
9 home. Nobody knew what had happened to her
10 unless, I mean until they also learn that she had
11 been arrested by Border Patrol officers, and in
12 plain clothing.

13 And then transfer her to ICE for
14 deportation but she was also given a bond after
15 being in, in detention for three weeks. And
16 they, the Judge decision included that, that I
17 can read here, it says unduly severe the decision
18 of ICE to keep her in detention without a bond.
19 And, and then there was Federal Court decision
20 that found that she, that it, there was a
21 retaliatory move on behalf of the Government
22 based on the facts.

23 **Q. Who is the Judge that you just**
24 **referenced?**

25 **A.** I don't have that information.

1 her mother.

2 Q. And you mentioned a news article from
3 the LA Times I believe, is that right?

4 A. Yes.

5 Q. Any other source for your information?

6 A. I don't have any other right now with
7 me, those, that's the one I, we relied on for
8 today.

9 Q. What did you rely on to make the
10 allegations?

11 A. We rely on this, on this article of the
12 LA Times.

13 Q. And anything else?

14 A. Not that I can recall right now.

15 Q. David Martinez Garcia. Does La
16 Resistencia allege that ICE selectively enforced
17 civil immigration law based on speech for David
18 Martinez Garcia?

19 A. Yes.

20 Q. And what is the specific speech that
21 you allege triggered the selective enforcement?

22 A. In May of 2022 there was a hunger
23 strike, the detention center here in Tacoma,
24 Washington where he was detained at. And he had
25 join the, the hunger strike. We, Resistencia

1 had, had rallies outside the detention center
2 when they were on hunger strike.

3 And it is very common that guards or
4 ICE officers try to stop people from continue
5 hunger strikes, they ask them to stop, they, they
6 should start eating again, so David was one of
7 the ones that were told to, you know, stop
8 eating, helping eat lunch, the guard told him and
9 he agreed but the same guard told David that he
10 was very angry at myself and our group, and so
11 they refuse to give the, the lunch, and instead
12 of giving him lunch sent him back to, sent him to
13 solitary confinement.

14 **Q. So the speech was the hunger strike?**

15 **A. Yes.**

16 **Q. And the alleged retaliatory action was**
17 **placing in solitary confinement, is that correct?**

18 **A. Yes.**

19 **Q. The guard you referenced earlier, do**
20 **you know who that individual was?**

21 **A. No, we don't have that information.**

22 **Q. Do you know if that individual was an**
23 **ICE employee?**

24 **A. No we don't. We assume, I think I'm**
25 **correct right now, it, it, it was GEO guard.**

**CERTIFICATE OF REPORTER AND SECURE ENCRYPTED
SIGNATURE AND DELIVERY OF CERTIFIED TRANSCRIPT**

I, **GLORIA MORALES**, Notary Public, do hereby
certify that the foregoing matter was reported by
stenographic and/or mechanical means, that same was
reduced to written form, that the transcript prepared
by me or under my direction, is a true and accurate
record of same to the best of my knowledge and ability;
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This transcript and certificate have been digitally
signed and securely delivered through our encryption
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IN WITNESS WHEREOF, I have here unto set my hand
this 6th day of SEPTEMBER, 2023.



GLORIA ISABEL MORALES

Court Reporter / Notary

Notary Registration Number: 2430654

My Commission Expires: 12/13/2026